

REMARKS

This Amendment is submitted simultaneously with filing of the Request for Continuing Examination.

With the present Amendment applicants have amended claims 1, 8, 15, 16, 17 and 18.

It is respectfully submitted that the thusly amended claims clearly and patentably distinguish the present invention from the prior art applied by the Examiner against the original claims.

The independent claims currently on file define that the hand-guided machine or power tool in accordance with the present invention has a motor shaft, a drilling spindle, and an intermediate shaft located at a radial distance from said drilling spindle and a radial distance from said motor shaft, with an arresting device located between the intermediate shaft (which is located at radial distances both from the drilling spindle and from the motor shaft) and the housing/housing component.

*Support?*

It is respectfully submitted that the present invention as defined

in the amended dependent claims is different from the construction disclosed in the references. As for the Examiner's rejection of the original claims over the combination of the patents to Tsai and the patent to Bitter, such a combination would not lead to the applicant's invention because the arresting device of Tsai would be on the motor shaft, and the motor shaft would be connected to the drilling spindle, and in such a construction there would be no intermediate shaft which is radially offset both from the drilling spindle and from the motor shaft. In contrast, in accordance with the present invention there are: the motor shaft, the drilling spindle, and the intermediate shaft located at radial distance from the drilling spindle and from the motor shaft, with the arresting device located between the intermediate shaft which is radially spaced from the drilling spindle and from the motor shaft, and the housing/housing component. Thus, in the applicant's invention the arresting device is not directly associated either with the drilling spindle, or with the motor shaft, but instead is associated with the third shaft which is radially spaced from the drilling spindle and from the motor shaft. A hypothetical construction produced from the combination of the references therefore would not lead to the applicant's invention as defined in the independent claims.

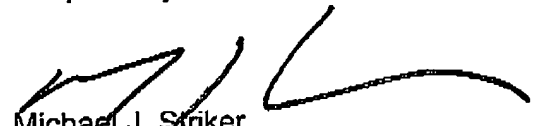
In view of the above presented remarks and amendments, it is

believed that the independent claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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